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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

| | | |
|------------------------------|---|---------------------------------------|
| 11 UNITED STATES OF AMERICA, |) | No. CR 11-00309-LHK |
| |) | |
| 12 Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER CONTINUING HEARING DATE |
| 13 vs. |) | TO MAY 30, 2012, AND EXCLUDING |
| |) | TIME UNDER THE SPEEDY TRIAL ACT |
| 14 FAUZIA LODHI, |) | |
| |) | |
| 15 Defendant. |) | |
| |) | |

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17 **STIPULATION**

18 Defendant Fauzia Lodhi, by and through Assistant Federal Public Defender Varell L.
19 Fuller, and the United States, by and through Assistant United States Attorneys Matthew A.
20 Parella and Daniel Kaleba, hereby stipulate that, with the Court's approval, the status hearing
21 currently set for Wednesday, April 11, 2012, at 9:00 a.m., may be continued to Wednesday, May
22 30, 2012, at 9:00 a.m.

23 The reason for the requested continuance is the parties anticipate this matter will proceed
24 to trial, and have discussed possible trial dates based on each counsels respective availability.
25 However, counsel for Ms. Lodhi requires additional time in order to effectively prepare Ms.
26 Lodhi's defense, and conduct further investigation, before the setting of any meaningful trial

1 dates. Specifically, defense counsel's review, organization, and analysis of the voluminous
2 discovery provided, attempts to contact and interview some of the approximately 56 witnesses
3 identified in the discovery, legal research with respect to the appropriateness of filing pretrial
4 motions, and consultation with an Arson Expert, all remain on-going. Accordingly, based on the
5 foregoing, the defense respectfully requests a continuance of the April 11, 2011, status hearing
6 date set in this matter to May 30, 2012.

7 The parties agree that the time between April 11, 2012, and May 30, 2012, may be
8 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
9 preparation.

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11 Dated: April 9, 2012

_____/s/_____
VARELL L. FULLER
Assistant Federal Public Defender

13
14 Dated: April 9, 2012

_____/s/_____
MATTHEW A. PARELLA
Assistant United States Attorney

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17 _____/s/_____
DANIEL KALEBA
Assistant United States Attorney

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19
20 **~~[PROPOSED]~~ ORDER**

21 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
22 ORDERED that the hearing currently set for Wednesday, April 11, 2012, shall be continued to
23 Wednesday, May 30, 2012, at 9:00 a.m.

24 THE COURT FINDS that failing to exclude the time between April 11, 2012, and May
25 30, 2012, would unreasonably deny counsel for the defendant reasonable time necessary for
26 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§

1 3161(h)(7)(B)(iv).

2 THE COURT FINDS that the ends of justice served by excluding the time between April
3 11, 2012, and May 30, 2012, from computation under the Speedy Trial Act outweigh the
4 interests of the public and the defendant in a speedy trial.

5 THEREFORE, IT IS HEREBY ORDERED that the time between April 11, 2012, and
6 May 30, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
7 3161(h)(7)(A) and (B)(iv).

8 IT IS SO ORDERED.

9 Dated: 4/9/12


THE HONORABLE LUCY H. KOH
United States District Judge